

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CIVIL ACTION NO. 1:03-CR-0234
	:	
v.	:	(Judge Conner)
	:	
JOSE M. GARCIA	:	

ORDER

AND NOW, this 28th day of February, 2006, upon consideration of defendant's motions (Docs. 42, 43) to proceed *in forma pauperis* and for copies of "the plea transcript, sentencing transcript, and plea agreement . . . at the government's expense," (Doc. 43 at 1), averring that defendant is indigent and requires the transcripts for the preparation of a motion pursuant to 28 U.S.C. § 2255, see id. (providing for collateral attack of federal sentence), and it appearing that, by the order of court dated January 10, 2006 (Doc. 41), a previous motion for transcripts at government expense was denied, see 28 U.S.C. § 753(f) ("Fees for transcripts furnished in proceedings brought under 28 U.S.C. § 2255 . . . shall be paid by the United States . . . if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issues presented by the suit or appeal."); see also United States v. MacCollom, 426 U.S. 317 (1976), and it further appearing that the present motion does not set forth any reasons for the transcripts or aver any manifest errors of law or fact or present any newly discovered evidence, see Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985) ("The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence."); Dodge v. Susquehanna

Univ., 796 F. Supp. 829, 830 (M.D. Pa. 1992) (cautioning that mere disagreement with the court does not translate into a clear error of law), it is hereby ORDERED that:

1. The motion (Doc. 43) for transcripts is CONSTRUED as a motion for reconsideration and DENIED as so construed. See Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985); see also 28 U.S.C. § 753(f).
2. The motion (Doc. 42) to proceed *in forma pauperis* is DENIED as moot.
3. Defendant shall be permitted to contact directly the court reporter for the above-captioned case and to inquire about purchasing copies of the transcripts requested. Any such correspondence may be sent to:

Mr. Wesley J. Armstrong, R.M.R.
Official Court Reporter
Federal Building & U.S. Courthouse
228 Walnut Street, P.O. Box 847
Harrisburg, PA 17108-0847

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge